

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE:

Edgar F Contreras
 Delia B. Ciruelas

Debtors

Case No.: 19-25114
 Chapter: 13
 Hearing Date: 11/6/19

Judge Jack B. Schmetterer

NOTICE OF MOTION

TO: Tom Vaughn, Chapter 13 Trustee, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603 by electronic notice through ECF
 Edgar F Contreras, Delia B. Ciruelas, Debtors, 4442 W. Gunnison I, Chicago, IL 60630
 Robert J Adams, Attorney for Debtors, 540 W. 35th St., Ste. 100, Chicago, IL 60616 by electronic notice through ECF

PLEASE TAKE NOTICE that on 11/6/19, at 10:00AM, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Jack B. Schmetterer, Bankruptcy Judge, in the courtroom usually occupied by him/her at the Everett McKinley Dirksen Building, 219 South Dearborn, Chicago, Illinois, Room 682, or before any other Bankruptcy Judge who may be sitting in his/her place and stead, and shall then and there present this Motion of the undersigned, a copy of which is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith, at which time you may appear if you so desire.

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustee and Debtor's attorney via electronic notice on October 24, 2019 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on October 24, 2019.

/s/ Grant Simmons
 Attorney for Movant

Berton J. Maley ARDC#6209399
 Rachael A. Stokas ARDC#6276349
 Peter C. Bastianen ARDC#6244346
 Joel P. Fonferko ARDC#6276490
 Brenda Ann Likavec ARDC#6330036
 Karl V. Meyer ARDC#6220397
 Grant W. Simmons ARDC#6330446
Codilis & Associates, P.C.
 15W030 North Frontage Road, Suite 100
 Burr Ridge, IL 60527
 (630) 794-5300
C&A FILE (14-17-01529)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on October 24, 2019 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on October 24, 2019.

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/s/ Grant Simmons
Attorney for Movant

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NOTE: This law firm is a debt collector.

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Debtors | Judge Jack B. Schmetterer

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MOTION TO CONFIRM TERMINATION OR ABSENCE OF STAY

NOW COMES U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET BACKED SECURITIES TRUST 2007-HE2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2, (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court for an Order confirming termination or absence of stay pursuant to 11 U.S.C. §362(j) and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division;
2. The Debtors are indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 4442 W Gunnison St Unit 1, Chicago, IL 60630;
3. Debtors filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on 09/05/2019;
4. Debtors have had more than one prior case dismissed within 365 days of filing the current case:
 - a. Bankruptcy Chapter 13 Case #17-02507 filed on 01/28/2017 by Edgar F. Contreras and Delia B. Ciruelas. The case was dismissed on 06/19/2019 per Trustee's Motion for Failure to Make Plan Payments;
 - b. Bankruptcy Chapter 13 Case #19-14205 filed on 05/16/2019 by Delia B. Ciruelas. The case was dismissed on 07/10/2019 per Trustee's Motion for Unreasonable Delay;

5. Neither of the prior cases were dismissed pursuant to 11 U.S.C. §707(b);
6. That pursuant to 11 U.S.C. §362(c)(4), no automatic stay has been in effect since the filing of the bankruptcy with regards to Delia B. Ciruelas, and a 30 day stay was in effect for Edgar F Contreras which has now expired;
7. That the Debtors filed a Motion to Impose Stay which was denied by this Court on 10/16/19;
8. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding as follows:

\$850.00 for Preparation of Notice and Motion and prosecution of same

WHEREFORE, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET BACKED SECURITIES TRUST 2007-HE2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2 prays this Court enter an order pursuant to 11 U.S.C. §362(j) confirming termination or absence of stay, allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated this October 24, 2019.

Respectfully Submitted,
Codilis & Associates, P.C.

By/s/ Grant Simmons

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MORTGAGE

PHH Mortgage Services
1 Mortgage Way
Mt. Laurel NJ 08054

Tel 877-688-7116
Fax 856-917-8003

****IMPORTANT NOTICE****

Upon written request, PHH Mortgage Services will provide the following information regarding the subject loan:

- * A copy of the payment history through the date the account was last less than 60 days past due.
- * A copy of the note.
- * If foreclosure has been commenced or a POC has been filed, copies of any assignments of mortgage or Deed of Trust required to demonstrate the right to foreclose on the borrower's note under applicable state laws.
- * The name of the investor that holds the loan.

Requests for this information/documentation can be sent to us at the following address:

PHH Mortgage Services
Mailstop SBRP
PO Box 5469
Mt. Laurel, NJ 08054

This notice is being provided for informational and compliance purposes only. It is not an attempt to collect a debt.